

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

CAROLINA VASQUEZ,	§
INDIVIDUALLY AND AS NEXT	§
FRIEND OF TAMARA VAZQUEZ,	§
A MINOR CHILD	§
<i>Plaintiffs,</i>	§
VS.	§ CIVIL ACTION NO. 5:19-CV-32
NR 1 TRANSPORT, INC.,	§
AND WALTER J. DRAKE	§
<i>Defendants.</i>	§

**CONSENT TO ALLOW PLAINTIFF LEAVE TO FILE**  
**FIRST AMENDED COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Plaintiff files this Consent to Allow Plaintiff Leave to File First Amended Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and in support thereof would show as follows:

**A. INTRODUCTION**

1. Plaintiffs are CAROLINA VAZQUEZ and her minor daughter, TAMARA VAZQUEZ; Defendants are NR 1 TRANSPORT, INC. and their driver, WALTER J. DRAKE.
2. Plaintiffs have filed suit alleging damages as a result of a motor vehicle collision occurring in Laredo, Webb County, Texas on November 12, 2018. In their Original Complaint Plaintiffs allege negligence on the part of Defendant DRAKE in the operation of his commercial motor vehicle and vicarious liability on the part of Defendant NR 1 TRANSPORT, INC. under the doctrine of Respondeat Superior.

Plaintiffs now seek leave to amend their complaint because more than 21 days have passed since Defendants served their answers.

3. Plaintiff originally filed suit in this court May 7<sup>th</sup>, 2019. Defendant was duly served with process filed its Original Answer on February 27<sup>th</sup>, 2019. Defendant NR 1 Transport, Inc. was served with process on in this case on March 26<sup>th</sup>, 2019. Both Defendants filed answers on April 16, 2019.

4. Plaintiff files this Consent to Allow Plaintiff Leave to File Amended Complaint to add two additional claims:

- a. a derivative damage claim for Plaintiff CAROLINA VAZQUEZ' husband, JULIO CESAR VAZQUEZ, for loss of past and future household services; and,
- b. a property damage claim for the total loss of Plaintiff's 2006 Ford Expedition in the subject collision and for the loss of use of the vehicle until a replacement could be obtained.

5. There is a Scheduling Order in place in this Cause. The deadline for all parties to amend pleadings is September 27, 2019 and the discovery deadline is November 1, 2019. The case has not been set for trial as of yet.

6. Defendant consents to allow Plaintiff to file her first amended complaint along with this consent. The amended complaint is being tendered to the Clerk contemporaneously herewith.

**KNICKERBOCKER, HEREDIA,  
SALINAS & SALINAS, P.C.**  
468 Main Street  
Eagle Pass, Texas 78852  
Telephone No.: 830/773-9228  
Telecopier No.: 830/773-2582  
[borderlawyer@knicklaw.com](mailto:borderlawyer@knicklaw.com)

AND

5460 Springfield Ave., Suite 109  
Laredo, Texas 78041  
Telephone No.: 956/267-5733  
Telecopier No.: 956/267-5734  
[borderlawyer@knicklaw.com](mailto:borderlawyer@knicklaw.com)

By: /s/ Marco A. Salinas  
**MARCO A. SALINAS**  
State Bar No. 00794583

**ATTORNEYS FOR PLAINTIFF**

APPROVED:

**SHELTON & VALADEZ, P.C.**  
600 Navarro, Suite 500  
San Antonio, Texas 78205

By: /s/ Robert A. Valadez  
Robert A. Valadez  
Fed. Id. No. 10959  
[rvaladez@shelton-valadez.com](mailto:rvaladez@shelton-valadez.com)

**ATTORNEYS FOR DEFENDANTS**

**Certificate Of Service**

I certify that on July 3, 2019, I electronically filed the foregoing with the clerk of the court using the cm/ecf system which will send notification of such filing to the attorneys listed below that are registered CM/ECF users. For those attorneys listed below that are not registered users, a copy of the foregoing document has been sent by fax:

/s/ Marco A. Salinas  
MARCO A. SALINAS

Robert A. Valadez  
**SHELTON & VALADEZ, P.C.**  
600 Navarro, Suite 500  
San Antonio, Texas 78205

Via CM/ECF

**ATTORNEYS FOR DEFENDANTS**